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Michele Melendez

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THINKING INSIDE THE BOX: REFLECTIONS OF A JUROR

Michele M. Melendez*

I thought: No way.

There was no way the ten of us—with little more in common than our jury duty obligation—would ever agree on anything. We ranged from college student to retiree, representing broad differences in education, in wealth, in culture.

Some watched reality television incessantly and could trade favorite “Survivor” stories. Some preferred to tuck into a book or newspaper. Some were single; some married with kids. Some took the bus to the courthouse from the poorest neighborhoods in D.C. Others drove in from the most posh.

For three weeks, we were the most important people in a courtroom at the Superior Court of the District of Columbia. We sat elevated in a throne-like box of seats. Lawyers smiled at us. The key players stood up for us as we came and went.

It was a kind of seduction. We—this disjointed bunch—had something these folks wanted.

Lawyers work months, even years, leading up to this moment. If a case goes to trial, they try to build a jury whom they think will be most sympathetic to their side. And they hope that their argument, evidence and powers of persuasion will woo the group.

By deliberation time for this 2002 civil trial, we were wooed out.

The case hinged on some excruciatingly technical points regarding auditing and the code of ethics guiding auditors. I couldn’t count the number of times I had heard “fiduciary responsibility” and “due diligence.” The lawyers broke those terms apart, seemingly syllable by syllable.

The court provided everyone with a steno pad and a pen; these items were left on our chairs every day and locked away each afternoon when we were dismissed. I’d scribble pages of notes for each witness. My hand would cramp, but I’d keep writing, trying to record every detail, even facial expressions and outfits. If there was a question during our deliberations, I wanted to be able to find the answer in my scrawl.

But, that’s me. As a journalist, I’m trained to take notes. I live by my notes.

It was my first time on a jury. I kept wondering why the other jurors weren’t writing as diligently. I was shocked that some never cracked open their notepads. How could they possibly remember any of those complicated points? Were they even paying attention?

I have to admit, though, by the third week, it was hard for me stay focused on the trial. I know the lawyers were trying to help us understand fine elements of a somewhat foreign subject. While we dragged, they remained cheery, confident. They dressed impeccably, in crisp suits, bejeweled with cufflinks. They looked us in the eye. From beginning to end, they were like salesmen in a luxury car dealership: polished smooth-talkers. It made sense; millions of dollars and elite reputations were at stake.

Finally, the jury settled into a windowless room around a long table to deliberate. As we had been instructed

by the judge, we had not talked about the case before that moment. I was bracing for disaster.

The people I suspected would take charge did. That worried me. I felt like the others were just being swept along, that they either didn’t care about the trial or didn’t understand its content. They seemed to be fairly easily swayed, but there’s no way to know for sure.

We picked apart the legal meanings of words. We read and re-read the judge’s instructions. We tried to get inside the heads of the witnesses, without putting words into their mouths.

Those of us who had jotted notes flipped back and forth through them. We peered through stacks of documents admitted into evidence, their pages crumpling as we referred to them again and again.

During the course of our discussions—which took a day or two, if I remember correctly—I thought a lot about my fellow jurors. Although I could never shake the uneasy feeling that some of them simply adopted the opinions of the more commanding personalities, I came to understand that the group’s differences actually formed its strength. Each of us contributed unique seasoning and perspective, from advanced degrees to gut feelings.

When we decided the verdict and thoughtfully calculated the damages based on what we felt the plaintiff

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deserved, it felt miraculous. I had entered the trial with unfounded doubts that this jury could ever settle the outcome.

When I received my next jury summons in 2005, I knew what to expect.

This time, it was a gun possession case in the United States District Court for the District of Columbia. Again, the jurors brought diverse backgrounds. And, as with the first jury, the group was about evenly divided: man-woman, black-white. In both cases, I was the only Hispanic.

But I wasn't thinking about the makeup of the jury. I was more concerned about the sparse details given to us during the two-day trial. If I had suffered from too much information during the first, I withered from lack of it in the second.

Reporters collect all the details they can, even if some bits never end up in a news article or broadcast. We want to know more than we can use, to write or speak authoritatively.

So, I was in agony. I got the sense that the defendant had been in trouble before, but, of course, there was no mention of prior convictions. I wanted to know: Who was this guy? I resisted running his name through databases reporters routinely use to investigate story subjects. But, I felt tempted.

When we started deliberating, I learned that my fellow jurors were frustrated too.

What was the defendant doing in deserted downtown Washington in the middle of the night? The lawyers kept saying that the police were responding to an incident in the area, but they never revealed more or told us whether the defendant was involved. Why not? What were they hiding?

But, we took the judge's instructions to heart. We could base our decision only on the evidence.

We understood that we were given those seemingly skimpy and disjointed details for a reason. We were there to determine whether the defendant had possessed a gun; any information on the fringes was irrelevant.

We examined pictures showing where the police had spotted the gun. We passed around the recovered (and disabled) weapon, as a marshal stood guard. We traced the movements of the police and the defendant on a map. We debated about what it means "to know" and "to possess" under the law.

We voted anonymously, using scraps of paper, and we were divided pretty evenly. So, we ran through the evidence again. We talked about the witnesses and whether we believed them. We looked to the two lawyers on our jury for guidance, but even they didn't agree on what the evidence showed.

We kept talking until everyone concurred on a guilty verdict.

Again, I was amazed at how the process worked. I know some juries don't agree, but I wasn't worried about ours.

No one got nasty. Even when the lone holdout identified herself, the others calmly discussed the majority position.

Many people hate jury duty. Let's face it—it can be inconvenient. You have to take time away from your job, your life, your routine. Many are relieved when they aren't picked.

But, looking beyond inconvenience, jury service is also an honor. The jury box is where we – ordinary citizens – fit into our judicial system and our government. It is where we are truly equal, sharing awesome power and responsibility.

Juries are reflections of our communities. People whose lives otherwise may never cross converge for a common purpose, even if it seems, at first, that there's no way they will agree.

**Melendez joined Newhouse News Service in 2000 as a national correspondent. Her articles focus on pop culture and politics, family relationships and personal journeys. She worked previously at The Plain Dealer in Cleveland as a community news reporter and a features writer concentrating on women's issues. She has a print journalism degree from The American University in Washington, D.C., and lives in Washington, D.C.*